

Shelby County Beer Board Meeting Minutes
Thursday, February 19, 2009 at 2PM

Chairman Merrick Horne, Chairman
Sophia Atkins, Beer Board member
Jewel Jordan, Beer Board member
LaRita Mitchell, ABSENT

Christy Kinard, Assistant County Attorney
Pam Catron, County Clerk's office
Ceceria Nickols – Coordinator in the absence of Stephanie Jones

Christy gave each member a copy of the status of citation. Discussion item added to the end of the agenda.

Beginning of the meeting.....

Chairman Horne introduces the members and Pam Catron of the County Clerk's office.

I. Approval of Minutes (02-19-09)

Chairman Horne asked me to read the 1st item on the agenda, approval of the minutes from January 23, 2009. Each member reviewed the minutes. Ms. Atkins moved to approve the minutes; Ms. Jordan 2nd. Motion carried.

II. Applicants

A. Terrell's, 3987 Thomas, Memphis, TN 38127, Dwayne Betts (On Premise):

Chairman Horne asked me to read the 2nd item on the agenda; I did. Dwayne Betts was in attendance. Pam gave the summary at Chairman Horne's request. Ms. Atkins asked Mr. Betts when he planned to open. Mr. Betts said, the 1st weekend in March and beer would be sold. Ms. Atkins asked what would be the hours. Mr. Betts said 7PM to 2AM. There will be 3 more people registered to sell alcohol. Mr. Betts said he and another employee are already registered to sell. Chairman Horne asked Mr. Betts would this be his 1st time opening a business like this; he said yes. Ms. Atkins asked how close would business be to Woodstock Cuba Road. She wanted to know how far it would be from the school; Mr. Atkins said not that close. Then Ms. Atkins said how close it would be to Little John Church. Mr. Jordan had no questions; he said everything was in order. Ms. Atkins asked about serving meals. Mr. Jordan moved to approve. Mr. Atkins gave a second. Motion carried. Chairman Horne asked Mr. Betts had he read the rules, Ms. Betts said yes. Then Chairman Horne asked him a hypothetical. Mr. Betts gave his answer; Chairman Horne said it was the best answer he had ever heard.

Disposition: On premise beer permit approved.

B. Breaktime BP/DM Restaurants, Inc., 101 S. Houston Levee Road, Cordova, TN 38108, Charanjiu Dhaliwal (Off Premise):

Chairman Horne asked me to read the next item on the agenda; I did. Charanji Dhaliwal was in attendance. Pam gave the summary at Chairman Horne's request, no finalization and this is new construction. The site will open on March 13th. Chairman Horne asked where it will be located. Ms. Atkins asks Pam will it be close to a school. Mr. Jordan asks a question about the U&O permit, regarding the time line on receiving it. The site will be open 24 hours a day for breakfast and lunch. Ms. Atkins asked how many employees. He answered 15-20; he is receiving applications now for hiring. Mr. Jordan asked can they grant a permit without a U&O permit. Chairman Horne explains the site will not receive a permit until the applicant presents U&O permit to Pam. Ms. Atkins moved; Mr. Jordan, 2nd. A correction was made in the record; this site is off premise not on premise. Chairman amended the motion. Motion carried.

Disposition: Off premise beer permit approved conditioned upon receipt of copy of U&O and food permit by County Clerk's Office.

C. Pig N Whistle Hacks Cross LLC, 4265 Hacks Cross Road, Memphis, TN 38125, John Ellis (On Premise):

Chairman Horne asked me to read the next item on the agenda; I did. David M. Lazarus, General Manager and Richard Ellis, Owner was in attendance. Pam read the summary; a Code Enforcement certificate is needed. The site used to be Barbie Cutie. Chairman asked Pam did they have a beer permit. Ms. Atkins asked when they were going to open and hours of operation. Wednesday, February 25th, 11AM-10PM, Monday thru Friday. 11AM-1AM, Friday and Saturday. 11AM – 9PM on Sundays. Mr. Jordan asked where would the location be. Ms. Atkins asked how many will be employed, 39 employees, background checks turned into Pam (yes). Mr. Jordan asked who was on file to sell beer. Application is lacking ids and background checks for others who will be selling beer; they are coming in soon. Ms. Atkins said the former owner had a beer license. The members asked about the relationship between Lazarus and Ellis. Chairman asks them about the Shelby County Beer Board rules and questions them about a hypothetical situation. Chairman amended to grant the permit upon receipt of the Code Enforcement certification. Mr. Jordan moved; Ms. Atkins, 2nd. Motion carried.

Disposition: On premise beer permit approved conditioned upon receipt of copy of U&O by County Clerk's Office.

III. Misdemeanor Citations

A. Tobacco & Snacks, 8071 E. Shelby Drive, Suite 102, Memphis, TN 38128, Owner Tyrone Hudson (present); Misdemeanor citation for selling beer to a minor issued to Owner Tyrone Hudson (present) 10-23-08:

Chairman Horne places Tyrone Hudson under oath. Two Shelby County Officers are in attendance, Officer Brown and Officer Triblett. Officer Brown tells the board they conducted an under cover beer sting and Mr. Hudson sold alcohol to an underage minor. Mr. Hudson said he checked her ID. Officer Triblett said Mr. Hudson didn't calculate the

age of the minor, he looked but didn't check. Mr. Hudson doesn't have the machine that allows him to enter the person ID to check. Mr. Hudson said he has a calendar with the year not date. Ms. Atkins asked Mr. Hudson did he have an ID. Chairman Horne asked Pam if there was any info on his citation, she said no. Ms. Atkins was it Mr. Hudson 1st time being cited, he said yes. Mr. Jordan asked a question Mr. Hudson where he got his calendar, he said he ordered it. Mr. Hudson also said that he went to court and this citation was dismissed and the record was expunged. Chairman Horne asked Christy a question regarding Mr. Hudson's comment. Chairman Horne asked me to have Officer Pope include the birthday of the operative. Chairman Horne recommendation is to give credence to the officer's testimony. Ms. Atkins determined Mr. Hudson should receive a \$100.00 fine, Ms. Atkins said it's a 1st offense, Mr. Jordan didn't think a \$100.00 fine was enough. Mr. Hudson commented if going to court and getting it dismissed, why doesn't it matter. Officer Triblett says that doesn't affect the beer board ruling and the board agreed. Chairman Horne moved that Tobacco and Snacks be fined \$500.00, Ms. Atkins, 2nd. Motion carried. Chairman told Mr. Hudson to make the check payable to the County Clerk's office.

Disposition: Civil penalty of \$500 assessed for selling beer to a minor in violation of the Beer Board Rules and Regulations.

B. Mr. P's Buffalo Wing, 5144 Riverdale, Memphis, TN 38141, Owner Frederick Plummer (not present); Misdemeanor citation for selling beer to minor issued to Unregistered Employee Erick Plummer (present) 10-23-08:

Chairman Horne placed Eric Plumber under oath. Officer Triblett explains, the clerk (Mr. Plumber) didn't check the ID of the customer. Mr. Plumber said he had been to court several times (4 – 5) and it is continued by request of the Court. Ms. Atkins asked when a customer walked in what happened. Mr. Plumber said it was very busy and the officer asked what kind of beer did they sale. Mr. Plumber said he was just in the wrong place at the wrong time. Mr. Plumber said he didn't ask for the officers ID because he looked older and looked like someone he waited on before, he then explains why he didn't card. Ms. Atkins asked had he ever been cited, never. Ms. Atkins made a motion of \$250.00 fine, based on the violation of selling to a minor. Mr. Plumber said, "I didn't sell her anything." Chairman Horne depersonalized it and said the business sold to the minor. Chairman said his violations were, selling to a minor, not being registered to sell at that store and didn't check ID. Ms. Atkins withdrew motion of \$250 fine. Chairman moved \$500.00 fine for selling the beer, Ms. Atkins, 2nd. Ms. Atkins and Mr. Jordan, aye, Chairman Horne, said no. Motion carried. Mr. Jordan moved, \$500.00 for not being registered, Ms. Atkins, 2nd. Motion carried. Chairman Horne also asked the time line on payment to the County Clerk's office; Pam said 30 days.

Disposition: Civil penalty of \$500 assessed for selling beer to a minor and civil penalty of \$500 assessed for sell of beer by unregistered employee in violation of the Beer Board Rules and Regulations.

C. Schnuck's Express, 5274 Riverdale, Memphis, TN 38141, Owner Schnuck's Markets, Inc. (Manager Gary Jenkins present); Misdemeanor citation for selling beer to minor issued to Unregistered Employee David Allen (not present) 10-23-08:

Gary Jenkins was in attendance for Schnuck's Express. Chairman Horne asked Mr. Jenkins what his relationship was to Schnuck's. He said he was the store manager at the Quince and Ridgeway store and the Express store was apart of his supervising duties. Officer Triblett explained the violation the clerk checked his ID but didn't compute it. Ms. Atkins asked if the employee was still employed there, Mr. Jenkins said no. Ms. Atkins asked the length of the training for new employees for the machine, Mr. Jenkins said 30 minutes. He also said something has to be inputted in the computer and the date was probably put inputted wrong. The clerk was registered to sell beer. Pam explained the citation. Christy said Schnucks and Kroger's didn't think their employees needed to come down to the Clerk's office. Mr. Jenkins said by the end of January all clerks had been down to submit their background checks. Pam stated she had been in contact with Sue Pagneila. Ms. Atkins said there was a miscommunication and no fine was warranted, but they should get a warning. Chairman Horne said the violation was not intended, but it's still a violation. Mr. Jordan agreed with Chairman Horne. Chairman Horne moved that there should be a \$200.00 citation for the violation. Mr. Jordan second. The motion carried. Mr. Jordan said to the violation, clerk was not registered and sold beer to a minor, he moved that the fine should be \$500.00, Ms. Atkins, 2nd. Motion carried.

Disposition: Civil penalty of \$500 was assessed for selling beer to a minor and civil penalty of \$200 was assessed for sell of beer by unregistered employee in violation of Beer Board Rules and Regulations.

D. Shelby Station, 9125 E. Shelby Drive, Memphis, TN 38125, Owner Premier C-Stores (not present); Misdemeanor citation for selling beer to minor issued to Employee James Huntley (not present) 10-23-08:

I called the next business Shelby Station was not in attendance. Ms. Atkins moved to defer; Mr. Jordan, 2nd. Motion carried. Chairman Horne commented that the business could have their beer permit suspended or revoked if they did not show up.

Disposition: Item not disposed of due to failure to appear. Deferred to 03-19-09.

E. Zoro Market, 7911 E. Shelby Drive, Memphis, TN 38125, Owner Khaled Khmous (present); Misdemeanor citation for selling beer to minor issued to Unregistered Employee Hasan Wadi (not present) 10-23-08:

Khalid was in attendance for Zoro Market. Officer Triblett said on October 23, 2008 beer was purchased at the market, the clerk didn't check the customer's ID. Ms. Atkins explained both violations and moved \$500 fine, for failure to check ID. Chairman Horne questioned Ms. Atkins motion to fine the market \$500.00. He asked Ms. Atkins if penalty should be the same for a the failure to check ID as it is for selling beer to a minor and Ms. Atkins said yes. Her motion failed for lack of a 2nd; Jordan moved for \$250 fine, 2nd by Atkins; Motion carried. Pam stated that Hassan Wadi was not registered at the time of the citation, but is registered now. Khalid said that it was a busy time and the officer looked old enough to make the purchase. The violations were, not being registered to sell

at the time and not asking for ID. Officer Triblett said that apparently he is not getting the information to appear in court. Ms. Atkins moved the market should be fined \$500.00 for each violation, no 2nd. Motion failed for lack of a second. Ms. Atkins moved the fine should then be \$200.00 for the clerk not being registered and Mr. Jordan 2nd. Motion carried.

Disposition: Civil penalty of \$250 assessed for failure to check ID before selling beer and civil penalty of \$200 assessed for sale of beer by unregistered employee in violation of the Beer Board Rules and Regulations.

F. Bennington Mini Mart, 5144 Riverdale, Suite 108, Memphis, TN 38141, Owner Nawal Alhaff (not present; Nabil Haimad present with POA); Misdemeanor citation for failure to check ID before selling beer issued to Employee Fateh Aldafari (not present) 10-23-08:

Nabil Haimad was in attendance for Bennington Mini Mart. Chairman Horne asked Mr. Haimad what was his relationship to the business, he said his wife owns the business. Officer Triblett said on October 23, 2008 he purchased beer at the store and the clerk didn't check his ID. Mr. Haimad said he looked over 40 and the clerk has just come from New York (Aldafari) and didn't know he had to ask for ID. Aldafari was not registered to sell beer and he is still at the store. Mr. Jordan moved the store be fined, \$250.00 for not checking his ID, Ms. Atkins 2nd. Motion carried. Mr. Jordan moved the store be fined \$200.00 for not being registered, Chairman Horne 2nd. Motion carried.

Disposition: Civil penalty of \$250 assessed for failure to check ID before selling beer and civil penalty of \$200 assessed for sale of beer by unregistered employee in violation of Beer Board Rules and Regulations.

III. Discussion Item (add-on)

Chairman Horne discussed the attendance of the Beer Board members. He cited the rules of the board, that if a member misses more than two meetings they can be replaced.

IV. Adjournment

The meeting was adjourned, Ms. Atkins moved, the Chairman, 2nd. Motion carried.

End of meeting.....

The meeting was adjourned to Thursday, March 19, 2009 at 2:00 p.m.